

JS 44 (Rev. 04/21)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Cara Warwick and Maurice Warwick, h/w

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Arthur S. Novello, Esq.

1315 Walnut St, 12 Fl, Phila., Pa. 19107 215-546-4488

**DEFENDANTS**

United States of America &amp; United States Postal Service

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☒ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 626 Withdrawal of Property 21 USC 881	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input checked="" type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brie PERSONAL INJURY RESULTING FROM AN MVA INVOLVING GOVERNMENTAL EMPLOYEE AND VEHICLE**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

150,000 -

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 3/24/25

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: \_\_\_\_\_

PHILADELPHIA, PA., USA.

**RELATED CASE IF ANY:** Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_

- |                                                                                                                                       |                              |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 1. Does this case involve property included in an earlier numbered suit?                                                              | Yes <input type="checkbox"/> |
| 2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit?                              | Yes <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit?                 | Yes <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual?   | Yes <input type="checkbox"/> |
| 5. Is this case related to an earlier numbered suit even though none of the above categories apply?<br>If yes, attach an explanation. | Yes <input type="checkbox"/> |

I certify that, to the best of my knowledge and belief, the within case ☐ is / ☐ is not related to any pending or previously terminated action in this court.

**Civil Litigation Categories**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☒ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. Cases Seeking Systemic Relief \*see certification below\*
- ☐ 16. All Other Federal Question Cases. (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: (Please specify) \_\_\_\_\_

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ does / ☒ does not have implications beyond the parties before the court and ☐ does / ☒ does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

**ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)**

I certify that, to the best of my knowledge and belief:

☐ Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

☒ None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARA WARWICK  
And MAURICE WARWICK, h/w  
6160 Catherine Street  
Philadelphia, PA 19143

v.

UNITED STATES OF AMERICA AND  
UNITED STATES POSTAL SERVICE  
c/o West Market Street Station  
5011 Sansom Street  
Philadelphia, PA 19139  
And  
KETURAH MERCY TUCKER  
1325 N. 15<sup>th</sup> Street, Apartment 101  
Philadelphia, PA 19121

CIVIL ACTION – COMPLAINT

NO.

JURY TRIAL DEMANDED

1. This court has jurisdiction over the claim asserted over the Defendant, United States of America, on the grounds that the claim is brought pursuant to the Federal Tort Claims Act, 28 U.S.C. §1346(b), since it involves an agency of the United States of America as well as the fact that the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

2. This court has supplemental jurisdiction over all other claims asserted in this action under 28 U.S.C. §1367(a) because they are so related to the claim asserted against the Defendant, United States of America, that they form part of the same case or controversy under Article III of the United States Constitution.

3. Venue in this court is proper pursuant to 28 U.S.C. §1402(b) because Plaintiffs, Cara Warwick and Maurice Warwick, husband and wife, are residents of Philadelphia County, Pennsylvania.

4. Venue in this court is also proper pursuant to 28 U.S.C. §1402(b) because the act or omission complained of occurred in Philadelphia County, Pennsylvania.

### **PARTIES**

5. Plaintiffs, Cara Warwick and Maurice Warwick, are adult individuals and husband and wife who reside at 6160 Catherine Street, Philadelphia, Pennsylvania 19143.

6. Defendant, United States of America, is a sovereign nation comprised of numerous federally authorized agencies and independent establishments of the Executive Branch of the United States Government, duly organized and existing under the laws of the nation, including the United States Postal Service, with a registered office for business, located at the West Market Street Station branch, 5011 Sansom Street, Philadelphia, Pennsylvania 19139 (hereinafter referred to as “Post Office”).

7. Defendant, Keturah Mercy Tucker, is an individual who resides at 1325 N. 15<sup>th</sup> Street, Apartment 101, Philadelphia, Pennsylvania 19121.

### **STATEMENT OF FACTS**

8. On or about April 1, 2023, Plaintiff, Cara Warwick, did own, possess, control, and operate a certain motor vehicle involved in the accident, hereinafter more specifically set forth.

9. On or about April 1, 2023, Defendant, Keturah Mercy Tucker, did operate, possess, and control another certain motor vehicle involved in the accident, hereinafter more specifically set forth.

10. At all times relevant and material hereto, the motor vehicle operated by the Defendant, Keturah Mercy Tucker, was owned by Defendants, United States of America and United States Postal Service, and operated by Defendant, Keturah Mercy Tucker, with permission of the Defendants, United States of America and United States Postal Service, and as

the agent, servant, workman and/or employee of Defendants, United States of America and United States Postal Service, and in the furtherance of the interests of said Defendants, acting at all times within the course of their employment and in the scope of their authority.

11. On or about April 1, 2023, the motor vehicle operated by Plaintiff, Cara Warwick, was proceeding in a southbound direction on Spruce Street, when at or near its intersection with 62<sup>nd</sup> Street, public highways in the City and County of Philadelphia, Commonwealth of Pennsylvania.

12. On or about April 1, 2023, the motor vehicle operated by Defendant, Keturah Mercy Tucker, was proceeding in a westbound direction on 62<sup>nd</sup> Street, and as it approached the intersection with Spruce Street, it was so carelessly and negligently operated and controlled that it was caused to suddenly and without warning, make a wide right turn and violently strike the vehicle Plaintiff was operating which vehicle was then and there lawfully proceeding, as a result of which Plaintiff sustained serious personal injuries, hereinafter more specifically set forth.

13. At the time and place aforesaid, the carelessness and negligence of the Defendants, United States of America and United States Postal Service, individually and/or by agents, servants, workman and/or employees, consisted of the following:

- a) Operating the said automobile at a high and excessive rate of speed under the circumstances;
- b) Failing to have the said vehicle under proper and adequate control;
- c) Failing to give proper and sufficient notice of approach;
- d) Operating the said vehicle without due regard for the rights, safety, and position of the Plaintiff;
- e) Violating the various ordinances and laws of the and/or the Statutes of the Commonwealth of Pennsylvania pertaining to the operation and control of motor vehicles;

- f) Failing to exercise due care and caution under the circumstances;
- g) Failing to maintain an assured clear distance;
- h) Failing to maintain a proper lookout;
- i) Disregarding traffic controls and/or conditions;
- j) Being inattentive;
- k) Negligent entrustment of a vehicle under the circumstances;\
- l) Being otherwise negligent under the circumstances.

**COUNT I**

**CARA WARWICK V. UNITED STATES OF AMERICA  
AND UNITED STATES POSTAL SERVICE**

14. Plaintiff, Cara Warwick, incorporates herein by reference the averments contained in paragraphs 1 through 13, inclusive, as fully as though the same were herein more fully set forth at length.

15. As a direct result of the Defendants carelessness and negligence as aforesaid, Plaintiff, Cara Warwick, sustained internal and external injuries in and about the head, neck, shoulders, back, body and limbs, as well as various other injuries and conditions that may be established, all of which have caused her and will continue to cause her great pain and agony, and have prevented her and will continue to prevent her in the future from attending to her daily duties and occupation, all to her great financial damage and loss.

16. Plaintiff, Cara Warwick, avers that as a direct result of the negligence, carelessness and recklessness of the Defendants, United States of America and United States Postal Service, Plaintiff, Cara Warwick, has sustained such injuries as a result of which she has been required and obligated to receive and undergo medical attention and care and will incur various medical expenses, and will be obliged to expend various sums of money for the same

purpose in the future in order to treat her injuries which are permanent and severe in nature, causing a permanent loss of bodily function, which satisfies the threshold requirements of the Federal Tort Claims Act, the Political Subdivision Tort Claims Act and /or the Sovereign Immunity Act.

17. Further, by reason of the aforesaid, Plaintiff, Cara Warwick, has been obliged to expend various sums of money for medicine and medical attention in and about endeavoring to treat and cure herself of her said injuries, and will be obliged to expend additional sums of money for the same purposes in the future, all to her great financial damage and loss.

18. As a further result of the accident and the injuries sustained therein, Plaintiff, Cara Warwick, has and/or may suffer an impairment of her earning capacity and/or power which earning capacity and/or power, all of which has been and will continue to be to her great financial damage and loss.

19. Written notice of said claim was provided to Defendants on April 26, 2023.

20. Plaintiff's claim is not barred by the Federal Tort Claims Act, the Political Subdivision Tort Claims Act and/or the Sovereign Immunity Act in that Plaintiff's claim falls within the exceptions provided under the aforementioned Acts to governmental immunity. was the owner of a 2019 Infinity QX60 automobile which was in excellent physical and mechanical condition. As a direct result of the negligence of the Defendants, Plaintiff, Cara Warwick's vehicle sustained extensive damage requiring repair and replacement of parts, together with labor charges all to Plaintiff's great financial damage and loss.

21. Plaintiff, Cara Warwick, avers that her injuries and damages were caused solely by the negligence of the Defendants as hereinbefore set forth.



WHEREFORE, Plaintiff, Cara Warwick, demands judgment against the Defendants, United States of America and United States Postal Service, in an amount in excess of One Hundred Thousand (\$100,000.00) Dollars, plus interest and costs.

**COUNT II**

**MAURICE WARWICK V. UNITED STATES OF AMERICA  
AND UNITED STATES POSTAL SERVICE**

22. Plaintiff, Maurice Warwick, incorporates herein by reference the averments contained in paragraphs 1 through 21 inclusive, as fully as though the same were herein set forth at length.

23. Plaintiff, Maurice Warwick, is the husband of Plaintiff, Cara Warwick, and resides with her at 6160 Catherine Street, Philadelphia, Pennsylvania 19143.

24. As a direct result of the Defendants' carelessness and negligence as aforesaid, Plaintiff, Maurice Warwick, was for a period of time deprived, may and probably will in the future be deprived of the society, assistance and support of his wife, Cara Warwick, all of which has been and will continue to be to his great financial, physical, psychological and emotional damage.



WHEREFORE, Plaintiff, Maurice Warwick, demands judgment against the Defendants, United States of America and United States Postal Service, in an amount in excess of One Hundred Thousand (\$100,000.00) Dollars, plus interest and costs.

Respectfully submitted,

DASHEVSKY, HORWITZ, KUHN,  
NOVELLO & SHORR, P.C.

BY: 

ARTHUR S. NOVELLO, ESQ.

I.D. No. 46685

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Attorney for Plaintiffs

DASHEVSKY, HORWITZ, KUHN, NOVELLO & SHORR, P.C.

VERIFICATION

I, Cara Warwick, make this verification subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities. The attached pleading is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in preparation for the prosecution of this lawsuit. The language contained in the pleading is that of counsel and not mine. I have read the pleading, and to the extent it is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the pleading are that of counsel, I have relied upon my counsel in making this verification.

X Cara Warwick

Dated: 3/24/25